

OZONE PROTECTION ACT 1989—REGULATION

(Relating to halon systems and fire extinguishers, disposal of halon, labelling requirements and penalties)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Ozone Protection Act 1989, and on the recommendation of the Minister for the Environment, has been pleased to make the Regulation set forth hereunder.

PAM ALLAN, M.P.,
Minister for the Environment.

The Ozone Protection Regulation 1991 is amended:

- (a) by omitting from clause 19 the word “A” and by inserting instead the words “Subject to clause 38A, a”;
- (b) by inserting after clause 31 the following clause:

Decommissioning of non-essential fixed halon flooding systems before 1 January 1996

31A. (1) The occupier of premises on which a fixed halon flooding system is installed must ensure that the system is decommissioned before 1 January 1996.

Maximum penalty: 200 penalty units in the case of a corporation or, in any other case, 100 penalty units.

(2) This clause does not apply in respect of any fixed halon flooding system (or any class of such system) where the Authority has approved in writing of the continued operation of the system concerned and the occupier of the premises on which the system is installed, and any person servicing it, comply with any conditions to which the approval is subject.

(3) The Authority can impose conditions on its approval.

- (c) by inserting after Division 5 of Part 3 the following Division:

Division 5A—Halon

Disposal and possession of non-essential halon

38A. (1) From 1 October 1995, a person must not dispose of any halon unless in a manner approved by the Authority.

Maximum penalty: 200 penalty units in the case of a corporation or, in any other case, 100 penalty units.

(2) From 1 July 1996, a person who has possession of any halon is guilty of an offence.

Maximum penalty: 100 penalty units in the case of a corporation or, in any other case, 50 penalty units.

(3) Subclause (2) does not apply in respect of halon that is contained in, or that, in the opinion of the Authority, is required for use in:

- (a) a fixed halon flooding system that is the subject of an approval under clause 31A (2); or
- (b) a portable halon fire extinguisher that is the subject of an approval under clause 37 (2).

- (d) by omitting clause 39;

- (e) by inserting at the end of clause 40 the following matter:

Maximum penalty: 100 penalty units in the case of a corporation or, in any other case, 50 penalty units.

- (f) by inserting at the end of clause 41 the following subclause:

(2) A person who, after 30 September 1995, services any motor vehicle air conditioning equipment that is a controlled article by charging the equipment with a controlled substance or other type of refrigerant must attach a label (in a prominent position on or near the equipment) that records the following information in a legible manner:

- (a) the name of the organisation carrying out the service;
- (b) the authorisation number (as issued by the relevant issuing body) of the purchaser of the controlled substance or other refrigerant used to charge the equipment;
- (c) the date of filter/drier replacement;
- (d) the VIN (Vehicle Identification Number) of the vehicle;
- (e) the date of the service;
- (f) the type of refrigerant used in the service;
- (g) the type of lubricant used in the service.

Maximum penalty (subclauses (1) and (2)): 100 penalty units in the case of a corporation or, in any other case, 50 penalty units.

- (g) by inserting at the end of clause 42 (1) the following matter:

Maximum penalty: 100 penalty units in the case of a corporation or, in any other case, 50 penalty units.

- (h) by inserting at the end of clause 43 (1) the following matter:

Maximum penalty: 100 penalty units in the case of a corporation or, in any other case, 50 penalty units.

- (i) by inserting after clause 43 the following clause:

Charging of commercial/industrial and domestic air conditioning and refrigeration equipment

43A. (1) A person who, after 30 September 1995, services:

- (a) any commercial/industrial air conditioning or refrigeration equipment referred to in clause 42; or
- (b) any domestic refrigeration equipment referred to in clause 43; or
- (c) any domestic air conditioning equipment that is a controlled article,

by charging the equipment with a controlled substance or other refrigerant must attach a label (in a prominent position on or near the equipment) that records the information specified in subclause (2) in a legible manner.

Maximum penalty: 100 penalty units in the case of a corporation or, in any other case, 50 penalty units.

- (2) The information to be recorded is as follows:

- (a) the name of the organisation carrying out the service;
- (b) the authorisation number (as issued by the relevant issuing body) of the purchaser of the controlled substance or other refrigerant used to charge the equipment;
- (c) the date of the service;
- (d) the type of refrigerant used in the service;
- (e) the type of lubricant used in the service.

- (j) by inserting at the end of clause 44 (1) the following matter:

Maximum penalty: 100 penalty units in the case of a corporation or, in any other case, 50 penalty units.

EXPLANATORY NOTE

The objects of this Regulation are:

- to require all non-essential fixed halon flooding systems to be decommissioned (i.e. dismantled or put out of operation) by 1 January 1996
- to prohibit the disposal of non-essential halon otherwise than in a manner approved by the Environment Protection Authority, and to prohibit the possession of any such halon from 1 July 1996
- to require, after 30 September 1995, labels identifying refrigerants and specifying other information to be attached to motor vehicle air conditioning equipment, and to commercial/industrial and domestic air conditioning and refrigeration equipment, when such equipment is serviced by the charging of the equipment with a refrigerant
- to standardise the method of expressing existing penalties in relation to refrigeration and air conditioning equipment, and to insert a commensurate penalty in clause 44 of the Ozone Protection Regulation 1991 (which prohibits the manufacture and sale of aerosol products containing ozone depleting substances (ie CFCs and halons)).

This Regulation is made under the Ozone Protection Act 1989, including Part 2 and section 30.
